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ABSTRACT

A bibliography of more than 800 writings affecting labor relations and college faculty, as well as several other professions, is presented. The point of reference was the calendar year 1983. The faculty section covers the following topics: academic freedom, accountability, administration, affirmative action, arbitration and mediation, collective bargaining, community colleges, contracts and contract issues, department chairpersons, discipline and dismissal, discrimination, due process, elections, faculty attitudes, faculty organizations, financial exigency, fiscal issues, fringe benefits, governance, grievance procedures, legal issues, legislation, academic librarians, National Labor Relations Board, part-time faculty, personnel administration, public sector labor relations, quality of worklife, retirement, retrenchment, students, strikes, scope of bargaining, salaries, tenure, women faculty, workload, and the Yeshiva University case. The bibliography for related professions includes health care institutions, health care professionals, nurses, physicians, lawyers, and librarians. In addition, directories, bibliographies, resources, periodicals, and sources of information are listed. Indices of subject, author, and court cases and administrative orders are included, along with a list of acronyms and abbreviations. (SW)

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# Collective Bargaining in Higher Education and the Professions

Bibliography No. 12 • January 1984

**Joel M. Douglas**
and
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# INTRODUCTION

With the publication of the twelfth volume of the Bibliography on collective bargaining in higher education and the professions, the National Center approaches a new plateau in its existence. The dichotomy remains: collective bargaining or collegiality. And the unanswered question persists: does collective bargaining belong in the halls of academe? Although it appeared that the U.S. Supreme Court, by virtue of its Yeshiva decision, and the NLRB in later cases such as the Polytechnic Institute of New York and Boston University have defined the role of unions on private campuses, public institutions remain unaffected by these decisions. Notwithstanding the setbacks in some areas, collective bargaining in higher education continues to be widely written about and studied; and as the Center has done in the past, the Bibliography focuses on those major categories that impact on the nature of the employment relationship, both in unionized and non-unionized settings. Volume twelve represents a complete and up-to-date listing of the major works in the field of labor relations, personnel and college administration published during the 1983 calendar year.

The literature included in this Bibliography reflects the current state-of-the-art, research and writings in all aspects of collective bargaining in postsecondary education. Additionally, literature in the fields of health care and other related areas is included . Exhaustive search of current publications, indices, including computer bases, has resulted in a bibliography which will provide a very useful tool for practitioners, researchers and others interested in the field.

The research design and methodology have become even more complex with each volume in this series. In addition to computerized searches of the various data banks, manual retrieval systems were utilized to obtain fugitive documents that are not included in depository libaries. The materials cited in this volume include books, chapters, monographs, dissertations, journal and periodical articles, speeches, unpublished reports and judicial and administrative decisions.

In addition to United States publications, an effort has been made to compile relevant foreign documents, most notably from Canada and Great Britain.

This book is part of the annual publication series of the National Center, an impartial, nonprofit institution, serving as a clearinghouse and forum for those engaged in collective bargaining and the related processes of grievance administration and arbitration in higher education and the professions. Operating on the campus of Baruch College, City University of New York, the Center addresses its research to scholars and practitioners in the field. In addition to the Bibliography, the Center's publications include directories, newsletters, conference proceedings and monographs.

A publication of this magnitude represents the cooperative effort of many individuals. The Center's staff has performed magnificently in this regard. Daniel Wiener, the Center's Librarian, is responsible for the primary research for this volume and for meticulous assembling of the data. He was very ably assisted by two of our Research Assistants, Carol Faber and Angela DeSouza. Excellent typing of the manuscript was performed by Ruby Hill, the Center's Secretary, assisted by Brenda Daniels, College Assistant. Additionally, our student aides, Gordon Lung and Bernice Jones assisted in other areas of its preparation. Evan G. Mitchell, Administrative Coordinator of the Center was responsible for the overall supervision and coordination of this project.

Although every effort has been made to ensure the accuracy of this publication, the Center apologizes for any errors or ommissions which might have occurred, and as always, we welcome your comments for future editions. The reader is referred to the inside back cover of this volume for additional publications of the National Center.

Joel M. Douglas
Director

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# PART III

# COURT CASES

## COURT CASES: STATE AND FEDERAL

748 Meyerson v. Arizona (83-650 9th Cir. 1983). Court of Appeals ruled since "primary objective" of Section 504 of 1973 Rehabilitation Act is not to provide employment, handicapped professor employed by Arizona State University is not protected under federal anti-discrimination law. Court also held there is no private right to sue under Section 503 of Rehabilitation Act which required federal contractors to have affirmative action plans for hiring qualified disabled workers.

749 Felton v. Trustees of the California State Universities and Colleges et ai (No. 82-4212, 9th Cir. 1983, 32 FEP 137). Court of Appeals reversed and remanded decision finding CSU guilty of sex discrimination when it rejected female's application for assistant professorship. Court found that lower court had erred when it placed burden of proving non-discriminatory intent on trustees. Burden of proof of discrimination rests with plaintiff.

750 Greater Los Angeles Council on Deafness v. Community Television (80-5400, 9th Cir. 1983). Federal Appeals Court overturned ruling barring education department from funding public television programs if such programs "are not made accessible to the deaf."

751 Marcus v. Rowley (9th Cir. 1983). Federal Appeals Court ruled educators who violate standards of fair use which established guidelines for reproducing copyright material, are susceptible to charges of copyright enfringement.

752 Woo v. Board of Regents, University of California (C-83-1505 SC, U.S. Dist. Ct., Northern Dist. of Calif., 32 FEP 351). U.S. District Court ruled that female lecturer who claimed UC deprived her of 14th Amd. equal protection rights was barred by 11th Amd. from seeking damages from regents of UC who acted in their official capacity.

753 Zaustinsky v. The Regents of the University of California. Federal District Court denied plaintiff right to see her complete personnel confidential file in suit seeking to prove unjust dismissal based on discrimination. Court held that full disclosure was not required, however, ordered production of file summary. Court further added that plaintiff might be allowed full text if summary report supported sex bias charges. Plaintiff had sought her own peer review records as well as those of seven male colleagues.

754 AIAW v. NCAA. Court held that NCAA did not violate federal anti-trust laws when it initiated women's sports championships. AIAW's claim that NCAA solicited membership from AIAW members by paying exhorbitant subsidies for women's teams was rejected.

755 Gay Rights Coalition v. Georgetown University (No. 5863-80). District of Columbia Court upholds Georgetown University's refusal to recognize Gay student groups claiming that the University's action was based on constitutionally protected religious beliefs.

## COURT CASES (cont'd.)

756 Turgeon v. Howard University (U.S. Dist. Ct., Dst. of Columbia, No. 81-2973-1983). Howard University guilty of racial discrimination when it discharged white female faculty member whose teaching evaluations were superior than most of her black colleagues.

757 Davis v. Scherer (52 U.S.L.W. 339). USSC agrees to review Court of Appeals ruling which held that in case of suit charging denial of due process by terminated state employee, state officials may be sued "...because state grievance procedures were unconstitutional."

758 Hamm v. Board of Regents of State of Florida (11th Cir. 1983, 32 FEP 441). Court held that female hispanic equal opportunity specialist was not victim of sex or national origin discrimination even though her salary was less than black male and white female employment specialists. Other affirmative action officers were faculty members prior to assuming affirmative action duties and thus possessed greater academic qualifications.

759 Iron Arrow Honor Society v. Heckler (No. 83-118). Federal Appeals Court held that federal aid to the University of Miami can be withdrawn due to school's association with male-only honor society. Court rejected University's claim that intent of federal sex bias laws are 'program specific' and found that Title IX should be interpreted broadly.

760 Lincoln v. Board of Regents. Atlanta Federal Appeals Court finds Savannah State College guilty of race discrimination by dismissing white professor who alleged that charges against him were racially motivated.

761 Aio, Chamber, Chu et al v. HPERB and HSTA, NEA (Hawaii State Supreme Court No. 8663-1983). Court held no "willful violation of state law and ordered that HPERB does not have to return money spent from non-union employee's agency shop fees." Although monies were spent outside the "scope of permissible service fee expenditures" no refund was ordered.

762 Ende v. Board of Regents, Northern Illinois University (U.S. Dist. Ct. Northern Dist. of Illinois, No. 79 C 20034, 32 FEP 391). Court ruled University's affirmative action salary program, which increaseed compensation of female professors because of gender, does not violate Equal Pay Act, even though it resulted in raising other female professors salaries above similarly situated male professors.

763 U.S. v. Chicago (No. 83-2308). Federal Appeals Court ordered withholding of federal funds intended for school and university affiliated programs where such funds were intended for jurisdictions whose government had failed to comply with the 1980 Desegregation Plan.

764 Warrior v. Thompson. Illinois Supreme Court ruled that Governor Thompson did not act illegally when he unilaterally cut state budget. Case involved action brought by Illinois Federation of Teachers and AFSCME.

## COURT CASES (cont'd.)

765 EEOC v. University of Notre Dame (No. 82-2358, 32 FEP 1057). Federal Appeals Court ruled that EEOC did not have the right to subpoena confidential tenure records from the University of Notre Dame although they could review written individual evaluations. EEOC was not entitled to names of faculty on tenure evaluation committees.

766 Rensing v. Indiana State University. Indiana Supreme Court held that an athletic scholarship does not create a contractual employer-employee relationship. Rensing, a student injured in an athletic practice, was not entitled to Workmen's Compensation benefits. In order to establish an employment relationship, intent must be proven.

767 Berry v. Board of Supervisors. Court of Appeals held that no violation of Equal Pay Act occurred even though female plaintiff received the same earnings as male professors while she taught twice as many courses.

768 Boston Firefighters Union, Local 718 v. Boston Chapter NAACP (51 U.S.L.W. 3769). USSC refused to rule on the question of the constitutionality of reverse seniority as relates to racial layoffs in the City of Boston. Court found issue to be moot since discharged personnel had been reinstated and thus the issue was hypothetical. See Boston Teachers v. Boston School Committee.

769 Emerson College v. City of Boston. Superior Court declared a special fire protection tax invalid as it constituted, in reality, a form of real estate tax and could not be levied against colleges exempt from such taxes.

770 Kumar v. Board of Trustees, University of Massachusetts (No. 78-0036-F, 32 FEP 307). United States District Court rules that University denied tenure to qualified East Indian faculty member due to national origin in violation of Title VII.

771 Ewing v. Board of Regents. Ewing, a medical student dismissed from the University of Michigan due to poor grades, sought to bring a civil rights law suit claiming his dismissal violated 14th Amendment due process and other contractual rights. District Court ruled that University is a state entity and thus protected by the 11th Amendment from being sued in federal courts.

772 Hillsdale College v. HEW (696F. 2nd 418 6th Cir. 1982). Department of Education can only investigate school programs that directly receive federal aid. Title IX declared to be "program-specific."

773 Oliver v. Kalamazoo Board of Education (No. 80-1683, 6th Cir. 1983). Recall system based on racial criteria and race quota struck down as inappropriate and arbitrary. Not a valid ground to remedy past discrimination.

## COURT CASES (cont'd.)

774 Minnesota State Board for Community Colleges v. Knight (No. 82-898, 82-977, 103 S. Ct. 2450, 51 U.S.L.W. 3520). Non-union faculty members seek ruling from United States Supreme Court as to whether or not they can be excluded from "meet and confer" sessions that cover matters not covered by the collective bargaining agreement. Union claims exclusive representation in all such matters and as such seek unrestricted right to represent all faculty.

775 Mueller v. Allen (51 U.S.L.W. 3773). USSC ruled that Minnesota law permitting tax deductions for public and private schools did not violate First Amendment prohibitions against state aid to religious schools.

776 Rajender v. University of Minnesota (No. Civ. 4-73-435, U.S. District Court, District of Minnesota, 32 FEP 743). Women faculty members claim the University engaged in employment discrimination based upon sex and national origin in violation of Title VII.

777 Stanley v. Magrath (83-1058). University of Minnesota's decision to reduce funding to student newspaper declared violative of student's First Amendment rights. Federal Appeals Court held that University intended to influence content of Minnesota Daily for printing controversial article.

778 Leftwich v. Harris-Stowe State College. The 8th U.S. Circuit Court of Appeals found Harris-Stowe State College (Missouri) guilty of violating Age Discrimination in Employment Act by replacing older tenured faculty with younger non-tenured ones. In addition to the elimination to tenure status the court found that the college had engaged in this practice in order to reduce personnel costs.

779 Bell v. New Jersey (81-2125). Court upheld DOE's power to collect misspent Title I funds allocated and expended prior to 1978.

780 Denburg v. Educational Testing Service (C-1715-83). New Jersey Superior Court holds ETS can use statistical evidence and probability factors to arrive at conclusion that test-taker may have cheated and test scores may be set aside. Court did not state that students cheated, however, upheld validity of ETS statistical procedures.

781 New Jersey-Philadelphia Presbytery v. New Jersey (79-3341). Fundamentalist Christian College appealing state court ruling that state college regulations apply to religious colleges. Shelton College refused to obtain state licensure in order to grant degrees.

782 U. S. v. Burlington County College. Settlement entered into between Justice Department and Burlington County College under which college agrees to compensate women faculty for past sex discrimination in compliance with Title VII.

## COURT CASES (cont'd.)

783 Addison-Wesley Publishing Co. v. New York University (82-Civ.-8333-S). NYU and publisher enter into a consent settlement whereby the University agrees to submit written proof, when requested, that it is in compliance with the 1976 Classroom Copying Guidelines established to protect copyrights of authors and publishers. Decree aimed at fostering educational goals "...by permitting photocopying for educational use, but subject to reasonable and lawful limits."

784 Arthur v. Nyquist (52 U.S.L.W. 3344). Union seeks appeal of United States Court of Appeals, 2nd Cir., which upheld race-based layoffs in the Buffalo school system. Court held that layoffs were necessary to preserve progress in desegregation, however, laid off teachers should be rehired on the basis of seniority.

785 Coser v. Moore (76C 8576). State University of New York at Stony Brook found not to have engaged in sex discrimination concerning women faculty. Use of statistical evidence relied on by plaintiffs found not sufficient to prove their claim.

786 Encyclopedia Brittanica v. Crooks. Federal District Court holds that a group of Buffalo school districts could not video tape television programs even for temporary educational purposes. Such programs are available for rent; video taping would injure potential markets for the owners.

787 Greenberg v. Bell. Federal judge upholds right of married female law students to sue DOE for discrimination in Guaranteed Student Loan Program. Plaintiffs argue that new procedures discriminate against married women since salaries of spouses are included in needs test.

788 In the matter of Wilson (311) and In the matter of Johnson (312). New York State Court of Appeals upheld the validity of a will which provided for private scholarships, limited to male graduates of public schools, for a college education.

789 Long Island University Faculty Federation v. Board of Trustees of Long Island University (113 LRRM 3139). New York State Supreme Court reverses lower court decision which had vacated arbitrator's award concerning provision in collective bargaining agreement requiring full-time faculty members of striking union to pay 25% of their salaries for the period of the strike. Requirement held to be applicable to both striking and non-striking members.

790 Melani v. Board of Education of the City University of New York (17 FEP 1618, S.D. N.Y. 1976). A Federal District Court judge found CUNY guilty of sex discrimination by its employment practices toward women faculty. Court allowed use of statistical data as means of proving plaintiff's case. (Consent decree entered into May 1984 in which $7.5 million was awarded plaintiff's in the class action suit.

COURT CASES (cont'd.)

791 Sobel v. Yeshiva University (U.S. Dist. Ct., So. Dist. of New York No. 75 Civ. 2232 32 FEP 169). Court held statistical studies offered as proof of sexual discrimination inadequate in proving plaintiff's claim against university.

792 Sweeney v. Research Foundation (82-7842). Court of Appeals dismissed Title VII sex discrimination charge against SUNY holding that evidence presented failed to prove "intentional sex discrimination."

793 Zahorik et al v. Cornell University (No. 80-CV-455 U.S. Dist. Ct., N.D., N.Y.). Charge against Cornell University dismissed as court found no evidence to support claim by five women faculty members of sex bias against women in the granting of tenure. The court held "that federal job bias law does not require that the most qualified person for a position get the job."

794 d'Errico v. Lesmeister. Federal judge found North Dakota state grant providing aid to students at Bible colleges violative of First Amendment provision of separation of church and state.

795 Smith v. Kent State University. Federal Appeals Court finds that professor had been terminated for breach of contract and not for protected union activities.

796 Hein v. Oregon College of Education (82-3491). Ninth Circuit Court of Appeals reversed sex biased judgment against Western Oregon State College holding that statistical evidence was inadequate to sustain plaintiff's action.

797 AAMC v. Multiprep, Inc. (83-2745). Association of American Medical Colleges upheld in obtaining court ordered ban on the use of copyrighted questions from the Medical College Admission Test (MCAT) against Multiprep, Inc., a Philadelphia based firm.

798 American Future Systems v. Penn State (81-0171). Federal court holds that Pennsylvania State University's ban on group sales in dormitory rooms violated the constitutional rights of dormitory residents.

799 Winker v. Brown University (80-0234 B). Federal District Court judge finds Brown University in violation of Equal Pay Act and Title IX by awarding a woman professor a raise of 64% in order to retain her on faculty. Claim filed by male colleague.

800 Ford v. Nicks (83-5330). Middle Tennessee State University ordered to confer tenure upon two female professors who were terminated on the basis of sex. Remedy issue on appeal; AAUP has joined the university in arguing that the court exceeded its jurisdiction by the granting of tenure. The AAUP contends that plaintiffs should be afforded an opportunity to qualify for tenure based on their own merits and not be the recipients of court ordered tenure.

## COURT CASES (cont'd.)

801 Towner and Hicks v. Vanderbilt University (51 U.S.L.W. 3921). USSC affirms lower court decision that the University had not acted unfairly by denying degrees to two students who were accused of cheating.

802 Bennett v. West Texas State University. U.S. Circuit Court of Appeals remands to district court case involving claim by group of women athletes that University discriminated against them in violation of Title IX.

803 Williams v. Milonas. USSC refuses to hear immunity claim raised by Provo Canyon School District, Utah. Parents sued under violation of Civil Rights Act of 1871 on behalf of their handicapped children; school unsuccessful in immunity defense.

804 AFSCME v. State of Washington (82-465, No. C 82-465-T U.S. Dist. Ct. W. Washington). State of Washington found guilty of wage discrimination against class of 15,000 employees (primarily women). Comparable worth arguments upheld supporting claim of employees including those at three state universities.

805 Blair v. Washington State University. Superior Court Judge orders compensation for three former women athletes who were discriminated against in school's sports program in violation of state's Equal Rights Amendment.

806 Marquez v. University of Washington (103 S. Ct. 1253). USSC denies certiorari on student's claim that the University violated Washington's Anti-discrimination Law by expelling him for poor grades and not providing him with special academic help. Plaintiff argued that as a minority student he was accepted under affirmative action program and without extra academic help, he would not be able to graduate.

807 Lister v. Hoover (82-1595). Federal Appeals Court for the 7th Circuit ruled that student's 14th Amendment due process rights were not violated when the University of Wisconsin classified them as non-residents without offering reasons for the classification.

808 Martin v. Helstad. U.S. Court of Appeals upholds lower court's decision allowing the University of Wisconsin to rescind admission of applicant who had concealed information pertaining to conviction of a federal crime on college application. Student had been accepted for admission but had not yet enrolled when admission was rescinded.

## UNITED STATES SUPREME COURT DECISIONS

809 Arizona Governing Committee v. Norris (103 S. Ct. 3492, 51 U.S.L.W. 3713. Court held sex-based actuarial tables violative of Title VII of the 1964 Civil Rights Act. Formulas that provided lower monthly benefits for women due to their longer average life span illegal. Court also ordered United States Court of Appeals for the 6th Circuit to reconsider rulings in TIAA/CREF and Wayne State University. Ruling effective 8/31/83. Not retroactive.

810 Bob Jones University v. United States (103 S. Ct. 2017). USSC disqualifies Bob Jones University from tax exemptions under the 1954 Internal Revenue Code. Stated purpose of tax code was to provide tax relief to institutions that provide a "public benefit," however, the court held that the racially discriminatory policies of the university did not entitle it to said relief.

811 Bowen v. U.S. Postal Service (103 S. Ct. 588). USSC held that payment of damages arising from a Duty of Fair Representation case could be apportioned between the employer and the union. While no formula was established, the court said that liability would be set "...according to the damage caused by the fault of each.

812 Brigham Young University v. U.S. (103 S. Ct. 713). Universities voluntary listing of names of contributors to IRS ends litigation over this issue. IRS had sought disclosure, university refused and case ensued.

813 Bureau of Alcohol, Tobacco and Firearms v. FLRA (103 S. Ct. 208, 52 U.S.L.W. 3090). Court held that "official time" pursuant to the Civil Service Reform of 1978 did not entitle federal employee union representatives to daily travel allowances for collective bargaining purposes. "It was wrong to conclude that employee negotiators are on official business of the government."

814 Community Television of So. California v. Gottfried (103 S. Ct. 885). USSC upheld order of the FCC in which FCC ruled it lacked authority to enforce Section 504 of the Rehabilitation Act.

815 Firefighter's Local 1784 v. Stotts (103 S. Ct. 2451, 52 U.S.L.W. 3077) and Memphis Fire Department v. Stotts (51 U.S.L.W. 3203). USSC agrees to hear the issue of contractually negotiated seniority provisions as a means of layoff as opposed to racial criteria in order to preserve affirmative action gains of minorities.

816 Grove City College v. Bell (103 S. Ct. 1181, 82-792). Supreme Court agrees to review lower court ruling questioning if Title IX sex biased provisions are "program specific."

817 Guardians Association v. Civil Service Commission (103 S. Ct. 3221, 51 U.S.L.W. 3358). U.S. Supreme Court ruled that claims of race bias in federally funded programs can be sustained without proof that discrimination was intentional.

## U.S. SUPREME COURT CASES (cont'd.)

818 Iron Arrow Honor Society v. Heckler (104 S. Ct. 373, 51 U.S.L.W. 3028). USSC finds Title IX dispute moot since University of Miami banned Iron Arrow Honor Society from campus. (See No. 83-118 under Court Cases: State and Federal).

819 Kush v. Rutledge, F.R. (103 S. Ct. 1483). Arizona State University held ineligible to gain immunity from lawsuits filed under 1871 Civil Rights Act. Also declared Act not limited to charges of race-based discrimination.

820 Laborde v. The Regents of the University of California (103 S. Ct. 820). Ninth U.S. Circuit Court of Appeals ruling upholding University of California's promotion procedure upheld by USSC. Plaintiff had sought reversal of lower court's ruling denying her access to confidential peer review records.

821 Long Island University v. Spirt (103 S. Ct. 3566). Court orders review of United States Court of Appeals for the 2nd Circuit ruling which found in favor of unisex pension payments retroactive to May 1, 1980. Court ordered reconsideration in light of holding in Arizona Governing Committee v. Norris.

822 Peters v. Wayne State University (103 S. Ct. 3566). Writ of certiorari granted. Case remanded to Court of Appeals in light of Arizona Governing Committee v. Norris.

823 SONY Corp. of America v. Universal City Studios (103 S. Ct. 3568). USSC agrees to consider question of whether ownership of copyrighted television programs entitles owners to royalties from home video-tape recorder manufacturers. Education coalition joins case concerned that limits on reproduction and recording could impair educational programs and teaching.

824 University College of the University of Alabama v. Johnson (52 U.S.L.W. 3294). USSC declines comment on federal district court's ruling ordering the university to pay attorney's fees in case of women who brought job bias claim against the university a decade ago.

825 U.S. Postal Service v. Aikens (103 S. Ct. 2117). USSC held that prima facie case need not be established prior to race-bias charge being litigated in court. Overturned lower court's ruling that employees complaining of bias must bear maximum burden of proof.

826 White v. Board of Trustees (103 S. Ct. 732). USSC declines to hear case concerning unlawful discharge of community college professor. Board of Trustees of Western Wyoming Community College argued that pertinent materials pertaining to discharge were presented to plaintiff; Professor White claimed lack of due process.

## U.S. SUPREME COURT CASES (cont'd.)

827 W. R. Grace and Company v. Local Union 759 (103 S. Ct. 2177, 81-1314). USSC declined to review merits of arbitrator's decision which found affirmative action plan governing layoffs violative of employees seniority rights under the collective bargaining agreement.

## NLRB DECISIONS

828 The Cooper Union for the Advancement of Science and Art -and- Cooper Union Federation of College Teachers, NYSUT, AFT, AFL-CIO (Case No. 2-CA-17483). Regional office of NLRB held that faculty at Cooper Union are managerial and therefore not entitled to the protections of the National Labor Relations Act. Unit ordered decertified.

829 Lewis University -and- Faculty Life Committee of the College of Arts and Sciences (265 NLRB 157, 112 LRRM 1206). NLRB dismisses unit clarification petition of university and held that Faculty Life Committee was a properly certified labor organization entitled to bargain collectively under the protection of the Act. The Board also rejected a challenge to its jurisdiction holding that Catholic Bishop (440 U.S. 490, 1979) applies only to parochial, elementary and secondary schools and not colleges and universities.

830 Metropolitan Edison Company v. NLRB (103 S. Ct. 1467). USSC held that employers could not subject employees who were union officers to more severe punishment than rank and file members for violation of anti-strike provisions.

831 NLRB v. New York University Medical Center (51 U.S.L.W. 3889). USSC upheld NLRB rule requiring proof of anti-union animus prior to discharge for disciplinary reasons. Employers must prove by preponderance of the evidence that workers would have been discharged even if there were no union activity involved. USSC remands case back to the Court of Appeals which had said NYU only had to produce evidence that workers would have been disciplined regardless of union activity.

832 NLRB v. Transportation Management Corp. (103 S. Ct. 2469, 51 U.S.L.W. 3210). USSC sustains NLRB rule that places substantial burden of proof on private employers who discharge employees partly because of their union activities.

833 Ohio Northern University -and- Ohio Northern University Faculty Association. NLRB orders faculty association decertified and not entitled to bargain under the protection of the National Labor Relations Act. Regional Director, with acquiescence from Office of Appeals, had reversed previous position and had withdrawn his complaint against the university after Board's ruling in Ithaca College. See 261 NLRB No. 83 (1982).

NLRB DECISIONS (cont'd.)

834 Oklahoma Blood Institute, Inc. -and- Oklahoma City Federation of Nurses and Health Professionals, Local 5009, AFT, AFL-CIO (265 NLRB 195). Board held that 1974 Health Care Amendments to LMRA did not preclude employees in health care institutions from being placed in a single bargaining unit with non-health care institution employees.

835 Seton Hall University -and- Seton Hall Faculty Federation, AFT, AFL-CIO (Case No. 22-RC-8765, 22-RM-599, 22-UC-96). Regional office of NLRB grants unit clarification petition brought by university and excludes all fulltime faculty members from the protection of the Act. Unit ordered decertified.

836 Stephens College (Missouri) -and- Stephens Federation of Teachers, Local 3556, AFT, AFL-CIO (Case No. 17-CA-9600, 17-CA-9607, 17-CA-9658). Board orders unit decertified at Stephens and holds that faculty not entitled to bargain under the Act. Unit ordered decertified. See Stephens College 260 NLRB 1049, (1982).

837 University of New Haven -and- University of New Haven Board of Faculty Welfare, Local 3956, SCFT-AFT (Case No. 39-CA-23, 267 NLRB 149). Board holds that private university did not violate LMRA when it refused to bargain with duly certified union of fulltime faculty members since faculty are deemed managerial. Unit decertified. Faculty not entitled to bargain under the protection of the Act.

# PART IV

# INFORMATION GUIDES

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Abstracts of Health Care and Management Studies
Academe (American Assn. of Universisty Professors)
American Educator
American School and University
American Teacher (American Federation of Teachers)
Arbitration in the Schools (American Arbitration Association)
Arbitratipn Journal (American Arbitration Association)
BNA Labor Relations Reporter
Bibliographic Index
Book Review Digest
Business Periodicals Index
California Public Employee Relations
CAUT Bulletin (Canadian Association of University Teachers Bulletin)
Canadian Education Index
Change
Chronicle of Higher Education
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College Law Digest (National Assn. of College & University Attorneys)
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Community College Frontiers
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Cumulative Book Index
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Dissertation Abstracts International
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Human Resources Abstracts
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Industrial Relations
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International Labour Review
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Journal of Collective Negotiations in the Public Sector
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Journal of College Student Personnel
Journal of Higher Education
Journal of Labor Research
Journal of Law and Education
Journal of the College and University Personnel Association
Labor Arbitration in Government (American Arbitration Association)
Labor Law Journal
Labor Relations Reporter (Bureau of National Affairs) - Decisions of the Courts, Decisions of the NLRB, Fair Employment Practice Cases, Labor Arbitration Reports
Liberal Education
Library Literature
Magazine Index
Management Literature in Brief
Monthly Labor Review
NEA Higher Education Advocate (formerly *NEA Advocate*)
NEA Today (formerly *NEA Reporter*)
NACUBO Business Officer (Nat'l Assn. of College & Univ. Business Officers)
National Association of Student Personnel Administration *(NASPA) Journal*
National Newspaper Index
On Campus with Women (Project on the Status and Education of Women)
PERB News (NY)
Personnel
Personnel Administrator
Personnel Literature
Personnel Management Abstracts
Phi Delta Kappan
Public Affairs Information Service (PAIS)
Public Personnel Management
Research in Higher Education
Resources in Education (ERIC)
Social Science Index
Sociology of Education
State Education Leader (formerly *Compact*)
Teacher's College Record
Today's Education (NEA)
Work Related Abstracts

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American Association of Community and Junior Colleges
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American Association of State Colleges and Universities
One Dupont Circle, N.W., Suite 700
Washington, D. C. 20036

American Association of University Professors
One Dupont Circle, N.W., Suite 500
Washington, D. C. 20036

American Council on Education
One Dupont Circle, N.W.
Washington, D. C. 20036

American Federation of Teachers
11 Dupont Circle, N.W., 5th Fl.
Washington, D. C. 20036

American Management Association
135 West 50 Street
New York, New York 10020

Association of American Universities
One Dupont Circle, N.W., Suite 730
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Association of College and Research Libraries
American Library Association
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Chicago, Illinois 60611

Association of Governing Boards of Universities and Colleges
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Association of Labor Relations Agencies
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Albany, New York 12203

Bureau of National Affairs, Inc.
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Carnegie Commission on Higher Education
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Center for the Study of Higher Education
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University Park, Pennsylvania 16802

The Chronicle of Higher Education
1333 New Hampshire Avenue, N.W.
Suite 500
Washington, D. C. 20036

College and University Personnel Association
11 Dupont Circle, N.W.,Suite 120
Washington, D. C. 20036

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ERIC Clearinghouse on Higher Education
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# PART VI

# ACRONYMS AND ABBREVIATIONS

# ACRONYMS AND ABBREVIATIONS

AAA - American Arbitration Association
AAHE - American Association for Higher Education
AAJC - American Association of Junior Colleges
AARN - Alberta Association of Registered Nurses
AAUP - American Association of University Professors
ABA - American Bar Association
ACE - American Council on Education
ACRL - Association of College & Research Libraries
AFGE - American Federation of Government Employees
AFL-CIO - American Federation of Labor - Congress of Industrial Organizations
AFSCME - American Federation of State, County and Municipal Employees
AFT - American Federation of Teachers
AHA - American Hospital Association
ALMA - Association of Labor Mediation Agencies
AMA - American Management Association
ANA - American Nurses Association
AORN - Association of Operating Room Nurses
AUCC - Association of Universities and Colleges of Canada
BCTF - British Columbia Teachers Federation
BLS - Bureau of Labor Statistics
BNA - Bureau of National Affairs
BRAIN - Baruch Retrieval of Automated Information for Negotiations
CAUT - Canadian Association of University Teachers
CCHE - Carnegie Commission on Higher Education
CPI - Consumer Price Index
CSC - Civil Service Commission
ECS - Education Commission of the States
EEOC - Equal Employment Opportunity Commission
ERB - Employment Relations Board (Preceded by state's initials)
ERIC - Educational Resources Information Center
FEP - Fair Employment Practice
FLRC - Federal Labor Relations Council
FMCS - Federal Mediation and Conciliation Service
GERR - Government Employee Relations Report
LA - Labor Arbitration and Dispute Settlements (BNA)
LAIRS - Labor Agreement Information Retrieval System (Civil Service Commission)
LMRA - Labor Management Relations Act
LMRS - Labor Management Relations Service
LRR - Labor Relations Reporter (BNA)
NAA - National Academy of Arbitrators
NACUA - National Association of College and University Attorneys
NACUBO - National Association of College and University Business Officers
NCSCBHEP - National Center for the Study of Collective Bargaining in Higher Education and the Professions
NEA - National Education Association
NLRA - National Labor Relations Act
NLRB - National Labor Relations Board
OER - Office of Employee Relations
OFCC - Office of Federal Contract Compliance
OPEIU - Office and Professional Employees International Union
OSHA - Occupational Safety and Health Administration
PERB - Public Employment Relations Board
PERC - Public Employment Relations Commission

SFLRP - Society of Federal Labor Relations Professionals
SPIDR - Society of Professionals in Dispute Resolution
UFCT - United Federation of College Teachers
UFT - United Federation of Teachers

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